

BASF Corporation
Chemicals Division

US EPA RECORDS CENTER REGION 5



404018

BASF

C. William Axce
General Manager

July 16, 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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JUL 20 1987
U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT BRANCH

Mr. Charles H. Sutfin
Director, Water Division
U.S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

Re: BASF Wyandotte Corporation
Riverview, Michigan
Order Pursuant to 33 U.S.C.
Section 1318 and 1319(a)
Docket No. V-W-87-AO-43

Dear Mr. Sutfin:

We have received a copy of your Administrative Order dated June 30, 1987, which, among other things, appears to require BASF to obtain an NPDES permit for certain discharges from the Riverview site to the Trenton Channel of the Detroit River.

As you may know, the Riverview site was the subject of a lawsuit brought by U.S. EPA several years ago in the U.S. District Court for the Eastern District of Michigan, Southern Division. That litigation ended in the entry of a Consent Decree dated July 18, 1984. During negotiation of the terms of that Consent Decree, the issue of whether an NPDES permit was required for the surface water drainage system was raised by U.S. EPA, but then was abandoned by it because of time delays that the permitting process would have introduced. It was decided by the parties that MDNR could subsequently exercise the right, if it so chose, to "sample storm water runoff and other water collecting in the drainage system" and thereafter determine "whether any future actions will be required to control storm water discharge." (Page 21 of the Consent Decree.)

While MDNR did sample a drainage ditch on September 29, 1986, we have never been notified by it of any claimed need for further action, such as an application for an NPDES permit.

BASF believes that the issue of the need for an NPDES permit for discharges from the surface water drainage ditches on the Riverview site was raised and decided in the negotiations that led to the entry of the Consent Decree dated July 18, 1984. EPA, in issuing the Administrative Order dated June 30, 1987,

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appears to be ignoring the terms of the Consent Decree which we believe contain the agreed mechanism for dealing with any problem perceived to exist at the Riverview site by EPA or MDNR.

Therefore, we feel that the Administrative Order dated June 30, 1987, was erroneously and improperly issued. Nonetheless, if EPA perceives a problem to exist at this site, we are prepared to meet with representatives of EPA and MDNR to discuss the matter within the context of the requirements of the Consent Decree. Pending such a meeting, we assume that the time schedule set out in the Administrative Order will be stayed.

When you are prepared to meet and discuss this matter further, please call me so that a time and date acceptable to all concerned parties can be agreed upon.

Sincerely,



C. W. Axce
General Manager

/cz

cc: Paul Zugger, Chief
Surface Water Quality Division
MDNR

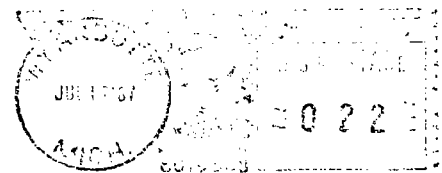
Roy Schrameck, District Supervisor
Surface Water Quality Division
MDNR

Hon. Barbara K. Hackett
U.S. District Court Judge
U.S. Court House
Room 802
Detroit, Michigan 48225
(Re: Civil Action No. 80-73699)

Bonnie Eleder - 4 HE-12
Remedial Project Manager
CERCLA Enforcement Section
U.S. Environmental Protection Agency
230 S. Dearborn Street
Chicago, Illinois 60604

Manfred Buller
BASF Corporation

BASF Corporation Chemicals Division
1609 Biddle Avenue, Wyandotte, Michigan 48192



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